

THE ABC'S OF ECF

WHAT IS ECF?

Electronic Case Files (ECF) is the new case management and electronic case file system for the federal courts. It is also sometimes referred to as CM/ECF. The ECF system will allow the court to maintain case documents in electronic form (e.g., by scanning the paper documents), where they may be viewed on the Public Access to Court Electronic Records (PACER) system. It can also allow attorneys and some others to electronically file court documents via the Internet.

WHEN IS ECF COMING TO THE BANKRUPTCY COURT FOR THE DISTRICT OF OREGON?

The court is preparing for an October or November 2003 launch of the ECF system, possibly with a small pilot group of registered users who will file documents electronically. At the conclusion of the pilot period in early 2004, ECF will be made available to all attorneys. Prior to accessing ECF, all users will be required to attend training administered by the court or, if they are already using ECF in other districts, demonstrate their knowledge of ECF and their familiarity with the ECF procedures adopted by this court.

WHAT DOES ECF OFFER?

- Ability to file documents with the court 24 hours per day, 7 days per week
- Automatic e-mail notification of case activity
- Reduced paper, photocopy, postage, courier, and document storage costs
- 24 hour Internet access (via PACER) to case information and documents primarily filed on and after the date of the court's initial conversion to the ECF system
- Ability to download and print documents from PACER
- Concurrent access to case files and documents by multiple parties
- No waiting in line or unavailable files at the clerk's office

WHAT DO I NEED TO USE ECF?

To view court documents via PACER you need:

- An Internet connection and Netscape Navigator (minimum v. 4.7) or Internet Explorer (minimum v. 5.5).

- A PACER account. To obtain an account if you don't already have one, contact the PACER Service Center at (800) 676-6856 or visit their website at pacer.psc.uscourts.gov. If you already have a PACER account for BANCAP, it will remain active and useful for ECF.
- Adobe Acrobat READER (can be downloaded at no cost from the Adobe web site).

To electronically file documents with the court, in addition to the items listed for PACER viewing, you need:

- Word processing software (e.g., WordPerfect or Word) to create documents.
- A FULL version of Adobe Acrobat to convert documents to text-based portable document format (pdf). Although newer versions of many word processing software products have this functionality, Adobe Acrobat is preferred because it provides better compression and converts formatting features more reliably.
- Anti-virus software that has "live update" capability with signature update service (e.g., Symantec).
- A scanner for documents not created on your computer (e.g., attachments and exhibits) is also recommended.

To use these products, you will need a computer that is reasonably powerful and Windows compatible. An absolute *minimum* configuration would be: Intel PIII 500Mhz; 64MB RAM; 10GB hard disk with 500MB free space; 15" monitor; CD-ROM; 56K modem and Internet access account with e-mail; and Windows NT, 2000 or XP.

A *preferred* configuration would be: Intel Pentium 4 (2.4 GHz or better) with 533FSB and 512 cache CPU; minimum 128MB DDR SRAM memory (256MB or 512MB is better); 40GB hard drive (80GB is better); graphics adapter with 32MB memory (64MB is better); CD-RW drive (CDRW/DVD combo is better); 17 inch monitor capable of 1280X1024 resolution (tilt portrait feature is preferable); scanner capable of 300dpi (600 dpi is better; flat bed preferred); Windows XP; Microsoft Suite (e.g., Word, Excel); Adobe Acrobat; Anti-Virus software with regular (e.g., weekly) signature update service.

Minimum filers can probably use a 56K modem and a dial up Internet service depending on their facility's telephone system capability to achieve an acceptable baud rate. High volume filers should strongly consider high speed Internet access (e.g., DSL or cable). Note: If using DSL or other high speed Internet access, such as cable, it is highly recommended that a firewall software be installed and activated to prevent hackers from attaining access through the Internet service.

Note: The Court deploys multiple layers of virus protection with regard to each of its systems, and updates its virus definitions at least daily.

IS THERE SOFTWARE TO HELP ME PREPARE PETITIONS FOR ELECTRONIC FILING?

Yes, several bankruptcy software vendors have developed products that greatly simplify the process of filing bankruptcy petitions. You may want to check with attorneys who file bankruptcy cases in other ECF courts (e.g., Western District of Washington) about their experience with these products.

HOW DOES ECF WORK?

ECF accepts documents in portable document format (PDF). Documents, other than previously created exhibits that cannot be converted to text-based PDF, must be created in text-based PDF rather than imaged (i.e., scanned) because text documents are much smaller than imaged documents. For a typical document, its PDF text version would be only 20% of the size of its imaged version. Therefore, an imaged document can take five to ten times as long to transfer and uses five to ten times more computer storage.

Text-based PDF is searchable and retains a document's original formatting, so the pages, fonts, etc. are preserved. Filing a document with the court's ECF system is quite easy:

- Create the document using word processing software.
- Save the document in text-based PDF format.
- Log onto the court's ECF system, using a court-issued login and password.
- Follow the set of simple prompts to provide information about the case, party and document to be filed.
- Attach the PDF document and submit it to the court for filing (by pressing a submit button).
- Save or print the ECF electronic receipt e-mailed from the court confirming that the document was filed.

ARE THERE FEES?

There are no added fees for filing documents over the Internet using ECF. Existing document filing fees do apply and will be paid by electronic filers using an Internet credit card payment program. This program allows an attorney to file several documents requiring fees and then pay in one transaction. Attorneys may use either a credit card or a debit card with a credit card logo on it. A receipt number is received for each payment transaction for use in reconciling the card statement. A report may also be run which displays the detail (i.e., date paid, case number and document filed, receipt number, and amount) for all transactions over a specified period of time.

Electronic access to court data is available through PACER. Attorneys and litigants receive one free copy of documents filed electronically in their cases; additional copies are available for

viewing or downloading at seven cents per page, with a maximum \$2.10 fee for documents of 30 pages or more.

Attorneys may wish to establish a business or personal credit card account specifically for filing fees. The following are suggestions from members of the Washington Western bar on using credit cards for the payment of filing fees:

- Obtain a sufficient credit limit on the card. Communicate with the credit card company about how you will be using the credit card. Most credit card companies are willing to work with you on obtaining a higher limit for this usage.
- Obtain a credit card for which you can track your balance/limit over the Internet.
- For bookkeeping purposes, use the card solely for court costs. Since filing fees have to be paid through trust accounts, one check can be cut from the trust account to pay for all filing fees for the month.
- Establish the credit card through a bank that you deal with regularly and that provides you with the most advantages.

HOW WILL SIGNATURES BE HANDLED?

The court will issue logins and passwords to all electronic filers. Using your login and password to electronically file a document is deemed to constitute your signature under FRBP 9011.

Electronic filers must obtain all required signatures on all documents which require original signatures (including stipulations and other consent documents), and maintain them for the time period specified in the court's ECF General Order. When electronically filing such documents, the filer must indicate all signatures with */s/ (Name)*, by which the filer is certifying under penalty of perjury that the named party has signed the original on file. The filer must provide the original document for review upon request of the court or an interested party.

WHAT ABOUT SERVICE?

The Court will be serving all notices, orders, judgments, etc. through the Bankruptcy Noticing Center (BNC). Documents mailed by the BNC generally take a minimum of 4 days from the date they are entered into the system to arrive at their destinations.

To obtain documents issued by the court moments after entry via e-mail or fax, you are encouraged to sign up for Electronic Bankruptcy Noticing (EBN). For further information, visit the EBN's website at www.EBNuscourts.com or call 1-877-837-3424. Electronic Bankruptcy Noticing is free, and technical support is provided.

Under ECF, whenever a document is filed electronically, the filing party is automatically sent a Notice of Electronic Filing (NEF) via electronic means at the time of filing. All other parties who are ECF participants also receive the NEF by e-mail for cases in which they are involved, and may additionally register to receive notice in other cases. The NEF contains a hyperlink which

allows the recipient “one free look” at the document filed through PACER, including the ability to print and/or save it. ECF users may choose to receive individual notification of each filing or a daily summary report, and may register multiple e-mail addresses for this purpose.

Participation in the ECF system constitutes consent to electronic service and notice of pleadings and papers, except for certain documents (e.g., summons and complaint in an adversary proceeding under FRBP 7004) specified in the court’s General Order on Electronic Filing of Case Documents.

WHAT KIND OF TRAINING WILL BE PROVIDED?

The court will offer classes for attorneys and their staff at the court’s Portland and Eugene locations. Attorneys must complete the training or demonstrate their knowledge of the court’s ECF procedures in order to become registered users of ECF. Prior to this training, attorneys and their staff will be required to familiarize themselves with ECF by going through computer-based training modules which will be posted to this site.

WHEN WILL PROCEDURES BE AVAILABLE?

The Clerk has drafted an ECF General Order and Administrative Procedures and may add a Participants/Style Guide. Each is currently being reviewed by a committee of Court, Bar, and United States Trustee representatives, with a goal of adoption by the Court in October.

In the meantime, in anticipation of ECF, the Court has amended some local rules relating to document preparation. These amendments are set forth in General Order 03-1.

WHO TO CONTACT

For further information, contact Charlene Hiss, ECF Project Manager and Chief Deputy Clerk, at (503) 326-2231 x 171.